

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD LIVINGSTON,)
Plaintiff,)
v.) Civil Action No. 05-CV-11349-RCL
MBTA EMPLOYEES CREDIT UNION,)
Defendant.)

)

**AFFIDAVIT OF ELLEN PITTMAN IN SUPPORT OF
DEFENDANT MBTA EMPLOYEES CREDIT UNION'S
MOTION FOR SUMMARY JUDGMENT**

I, Ellen Pittman, on oath depose and state as follows:

1. I have been employed at the MBTA Employees Credit Union (the "Credit Union") since August, 1992. In approximately 2001, I was promoted to Manager of Administration and Marketing. I am of legal age, and am a resident of the Commonwealth of Massachusetts.

2. The facts set forth below are true, accurate and complete, based either upon my personal knowledge or my information and belief, formed after inquiry into these facts. To the extent based upon my information and belief, I believe all facts set forth below are true.

3. As part of my duties as Manager of Administration and Marketing, I assist the Credit Union's Board of Directors and the Election Committee with paperwork and correspondence regarding the election of the members of the Board. Specifically, I receive the nomination applications from prospective candidates, deliver them to the Election Committee, and send letters to the applicants at the direction of the Election Committee.

4. In March, 2005, Richard Livingston ("Livingston") submitted a nomination application to run in the April 5, 2005 election of the Credit Union's Board of Directors.

5. Through a memorandum dated March 10, 2005, the Credit Union's Election Committee informed the Board of Directors that it was unable to approve Livingston's candidacy under the Credit Union's By-Laws, because he had filed bankruptcy within the previous five (5) years.

6. A true and complete copy of the aforementioned memorandum dated March 10, 2005 is attached hereto as Exhibit A.

7. By letter of March 11, 2005, the Credit Union's Election Committee notified Livingston that he did not meet the eligibility criteria of the Credit Union's By-Laws to serve on the Board of Directors.

8. A true and complete copy of the aforementioned letter of March 11, 2005 is attached hereto as Exhibit B.

9. I mailed the letter of March 11, 2005 to Livingston at his home address at 149 Warren Avenue in Milton, Massachusetts.

10. A true and complete copy of the postmarked envelope in which the letter of March 11, 2005 was mailed is attached hereto as Exhibit C.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11th DAY OF JULY, 2006.

/s/ Ellen Pittman
ELLEN PITTMAN

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 14, 2006.

/s/ Eric C. Hipp
Eric C. Hipp

**MBTA Employees Credit Union
Memorandum**

Date: March 10, 2005
To: Board of Directors
From: Election Committee:
Pauline Davis
Todd Downey
Matthew Duggan
William Irvin
Ilse Sullivan
Re: Candidates' Review
Article IX – Section 7

The nomination papers submitted by nine candidates were reviewed by the Election Committee on Thursday, March 10, 2005. The following issues were addressed:

John Horan	Board initiating process to expel per Chap. 171, Sec. 14	Unable to approve candidacy. Letter attached.
Richard Livingston	Bankruptcy within previous five years.	Unable to approve candidacy. Letter attached.
Donna Scott	Significantly more than two overdrafts in 12 months preceding nomination.	Unable to approve candidacy. Letter attached.

A copy of the referenced section of the By-Laws is also attached.

William A. Irvin
for Election Committee

icers:

William A. Irvin
President &
Chairman of the Board

Francis Joyce
Vice Chairperson

Ronald I. Sullivan
Treasurer

James P. Griffin
Assistant Treasurer

Michael J. Hogan
Clerk

MBTA Employees Credit Union

147 West Fourth Street
South Boston, MA 02127

branch offices:

Medford, MA 02155
Quincy, MA 02169

connecting all offices:

617-269-2700

www.mbtacu.org

Directors:

John J. Coakley
Pauline Davis
Todd Downey
Kevin J. Doyle
Matthew J. Duggan
James P. Griffin
Michael J. Hogan
Edward M. Irvin
William A. Irvin
Francis Joyce
Melvin Keith
Terry Reed
Noreen M. Ryan
Ilse A. Sullivan
Ronald J. Sullivan

March 11, 2004

Mr. Richard Livingston
149 Warren Avenue
Milton MA 02186

Dear Mr. Livingston:

We are in receipt of your nomination papers to become a candidate for election to our Board of Directors. Please be advised that your eligibility does not comply with our By-Laws (Article IX, Section 7) as you have a bankruptcy which occurred in the five years previous to your candidacy request. Therefore, your name will not appear on the ballot on April 5, 2005.

Very truly yours,

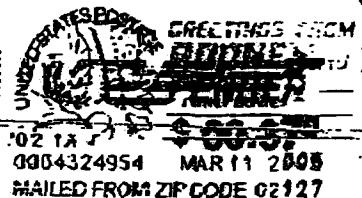
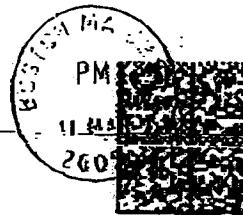
*Election Committee
Board of Directors
MBTA Employees Credit Union*

Over one hundred and seventy-five million in assets.



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MBTA Employees Credit Union
147 West Fourth Street
South Boston, MA 02127



ARBORWAY

Mr. Richard Livingston

149 Warren Avenue

Milton MA 02186



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